IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1569 of 1998

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/09/1998 in WP. NO : 18276 OF 1998 on the file of the High Court.)

Between:

Defence Colony Residents Welfare Association,

Regd. No: 1042/89. Rep. By its President,

Sri.C.V.B.K.Murthy, S/o. C.Papayya Sastry,

Age: 51 years, R/o.Defence Colony,

Malkajigiri, Ranga Reddy District.

..... APPELLANT

AND

1 The District Collector, Ranga Reddy District,
Lakadikapul, Hyderabad,
2 The Commissioner, Malkajgiri Municipality,
R.R. Dist.
3 The Police Housing Corporation,

Rep. By. the D.I.G. of Police,
Lakadikapul, Hyderabad.

4 The Superintendent of Police,
Ranga Reddy District, Lakadikapul, Hyderabad.
5 The Station House Officer, Neredmet Police Station,
Ranga Reddy District.
6 The Mandal Revenue Officer, Malkajgiri Mandal, Malkajgiri,

Ranga Reddy Dist.

7 Defence Housing Co-operative society (OR) Ltd.,

(Regn.No.T.B.662), rep. By its Hon'ble Secretary P.Veera

Raju, S/o.Late Kotaiah, Retired from Armed Forces (IAF)

36-62, Defence Colony, sainik Puri Post, Secunderabad.

(R-7 is impleaded as per Court Order dt.22/2/2001 in

W.A.M.P.No.413 of 2001).
8 State of A.P Rep.by its Principal Secretary to Govt.,

Revenue Dept.,
(Assignments) Secretariat,Hyderabad.

9 The Chief Commissioner,
Land Administration, Hyderabad.

(RR 8 and 9 are impleaded as per Court order in

W.A.No.569/99 dt.24/3/2003).

.....RESPONDENTS

Counsel for the Appellant: MR.P.SRI RAGHU RAM

Counsel for the Respondents 1, 3, 4 to 6, 8 & 9: GP FOR REVENUE

Counsel for the Respondent No.2: Mr. R.Thimma Reddy, SC for Municipality.

Counsel for the Respondent No.7: Mr. M.S.Ramachandra Rao.

The Court made the following :

The Court made the following Judgment:

(Per Hon'ble Sri Justice B. Sudershan Reddy)

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Shorn of all the details, the respondents herein admittedly without any authority of law had taken over a total area of 3643 Sq.yards (1267+377+1999) of the land reserved as open space in the layout sanctioned in favour of seventh respondent. It is no doubt true that the proposed land is sought to be utilised by the respondent for a different public purpose other than for which it was reserved in the approved layout. That an extent of 1267 Sq.yards is sought to be utilised for the purpose of occupation of Police Station. In fact the said extent of land is already covered by a compound wall and at present the Malkajgiri Police Station is functioning. That so far as the proposed area of construction of Mandal Revenue Office building is concerned, the plinth area of the building is 377 Sq.yards and the vacant land available in continuation of the unfinished structure is 1999 Sq.yards. Thus, the total area under the occupation of the respondents comes to 3643 Sq.yards.

This land admittedly was reserved in the lay out sanctioned by the competent authority as a vacant space to be utilised for the parks etc. As has been rightly contended that the land could not have been taken over by the respondents in the manner in which they did.

However, to avoid any further complications and unending litigation, the Government itself had taken decision to make available an extent of 3643 Sq.yards in Sy.No. 218/1 outside the lay out of the Society. It is not necessary to go into the market value of the land that is now sought to be made available to the respondent Society, in view of the decision of the petitioner and the seventh respondent to accept and take possession of the alternative land admeasuring 3643 Sq.yards proposed to be made available to the society by the District Collector, Ranga Reddy District.

In the circumstances, this writ appeal is disposed of directing the District Collector to ensure delivery of possession to the 7th respondent society within a period of two weeks from the date of receipt of a copy of this order. It is brought to our notice that in the land that is now sought to be made available, there are some graves in a very small portion of the land. It would be just and necessary to separate that small extent of land covered by the graves and deliver possession of the remaining area to the respondent-society if the same is not already done. The respondent-society shall accept the same without raising any objection. The appellant as well as the respondent society agreed to receive the said land to be made available by the

District Collector, Ranga Reddy District and the same is recorded.

The writ appeal is accordingly disposed of. No costs.

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(B. Sudershan Reddy, J)

28..07..2004

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(K.C. Bhanu, J)

vs/grr

To

1 The District Collector, Ranga Reddy District,
Lakadikapul, Hyderabad,
2 The Commissioner, Malkajgiri Municipality,
R.R. Dist.
3 The D.I.G of Police, Police Housing Corporation,

Lakadikapul, Hyderabad.
4 The Superintendent of Police,
Ranga Reddy District, Lakadikapul, Hyderabad.

5 The Station House Officer, Neredmet Police Station,
Ranga Reddy District.
6 The Mandal Revenue Officer, Malkajgiri, Ranga Reddy Dist.
7 The Hon'ble Secretary P.VeeraRaju, S/o. Late Kotaiah,

Retired from Armed Forces (IAF) 36-62, Defence Housing

Co- operative society (OR) Ltd., (Regd.No.T.B.662),

Defence Colony, Sainik Puri Post, Secunderabad.

8 The Principal Secretary to Govt.,State of A.P.,

Revenue Dept,
(Assignments) Secretariat,Hyderabad
(R-8 is impleaded as per court order in W.A1569/98

d t.24/03/03)
9 The Chief Commissioner,
Land Administration Hyderabad.

10 Two CCs to the G.P for Revenue, High Court of A.P.,

Hyderabad, (O.U.T).

11 Two CD copies.

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT APPEAL NO : 1569 of 1998

(Judgment per Hon'ble Sri Justice B. Sudershan Reddy)

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Dated: 28-07-2004

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